

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

In the matter of Trademark Application Serial No.: 77515849

Mark: BA-DA BLING

Filed: July 7, 2008

Published in the Official Gazette on June 16, 2009

International Class: 028

	X	
The Gameologist Group, LLC	:	
	:	
Opposer,	:	
	:	Opposition No.: _____
-against-	:	
	:	
SCIENTIFIC GAMES INTERNATIONAL,	:	
INC.,	:	
	:	
Applicant	:	
	:	
	X	

BOX TTAB FEE

Assistant Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**



**07-14-2009**

Dear Sir:

U.S. Patent & TMO/TM Mail Reg. Ct. #01

In the matter of an application for registration upon the Principal Register of trademark for BA-DA BLING for use in connection lottery cards, International Class 028, Serial No. 77515849, filed July 7, 2008, by Scientific Games International, Inc., a Corporation having a principal place of business at 1500 Bluegrass Lakes Parkway, Alpharetta, GA, 30004 (hereinafter referred to as "Applicant"), The Gameologist Group, LLC, a New Jersey limited liability

company having an address of 3430 Atlantic Avenue, Atlantic City, New Jersey 08401 (hereinafter referred to as "Opposer"), believes that it will be damaged by said application and hereby opposes the same.

The grounds for opposition are as follows:

1. Since long before 2004, Opposer and/or its predecessors-in-interest has been, and is and/or is now using the marks BLING BLING and/or BLING BLING 2002 (hereinafter the "Family of Bling Marks") in connection with the promotion, marketing and/or sale of gaming machines and equipment, casino games, lottery cards and game tables and related goods and/or services and the like. Said promotion, marketing and/or use has been valid and continuous since then and has not been abandoned. Said "Family of Bling Marks" is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in promoting said "Family of Bling Marks."
2. Opposer is the owner of the Registered Trademark federal applications: (a) U.S. serial no. 78/200,947 filed January 7, 2003 for the mark BLING BLING 2002 as applied to entertainment in the nature of online three dice casino games, in International Class 41; and (b) U.S. application serial no. 78/311,849 filed October 9, 2003 for the mark BLING BLING 2002 as applied to gaming equipment, namely, slot machines with or without video output, video game interactive hand

held remote controls for playing electronic games, computerized video games for gaming purposes, in International Class 9 and casino games and equipment therefore, namely, dice, board games, card games, lottery cards, coin-operated video games, hand-held unit for playing electronic games, stand alone video game machines, stand alone video output game machines, and game tables, in International Class 28.

3. Upon information and belief, Applicant filed an intent-to-use (ITU) application, serial no. 77515849 on July 7, 2008 to register BA-DA BLING for lottery cards.
4. Applicant has already begun use of the BA-DA BLING Mark in commerce for the goods referred to in paragraph 3 of this Notice of Opposition. In fact, Applicant began using BA-DA BLING after signing a contract with Opposer Gameologist Group—and then cancelling that contract only months later—for the licensing rights to the BLING BLING Trademark.
5. Upon information and belief, Applicant knew of or had reason to know of Opposer's prior use and/or the applications for Opposer's "Family of Bling marks" when Applicant filed its applications for "Applicant's Bling Marks" and Applicant adopted said marks in bad faith.
6. Opposer's "Family of Bling Marks" and Applicant's BA-DA BLING mark are substantially similar.

7. The dominant element of Opposer's "Family of Bling Marks," Applicant's aforesaid mark BA-DA BLING and Applicant's Bling Marks, and the element which purchasers would refer to in recalling both Opposer's and Applicant's goods, is BLING.
8. The goods described in Applicant's application serial no. 77515849 for Applicant's BA-DA BLING mark are the same or closely related to the goods and/or services provided by the Opposer and are likely to be offered through the same or overlapping channels of trade to the same or overlapping classes of purchasers and users.
9. Applicant's mark BA-DA BLING so resembles Opposer's "Family of Bling marks" due to the similarities between Opposer's and Applicant's marks, as to likely cause confusion to cause mistake and/or to deceive within the meaning of § 2(d) of the Trademark Act of 1946, whereby the purchasing public will believe that Applicant's goods emanate from, or in some way are associated or connected with, or sponsored, authorized or warranted by Opposer, all to the detriment of Opposer, and Opposer will be damaged if a registration is granted to Applicant.
10. Likelihood of confusion is enhanced by the fact that the goods and services at issue are identical, and/or substantially similar and the prospective purchasers and/or purchasers of Applicant's and Opposer's goods and services are the same.

11. Applicant's mark so closely resembles Opposer's "Family of Bling Marks" that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that Applicant's mark misdescribes the nature or origin of the goods/services, and purchasers are likely to believe that the misdescription actually describes the nature or origin of the services, and this is likely to materially alter purchasers' decisions to acquire Applicant's services.
12. Applicant's mark so closely resembles Opposer's "Family of Bling Marks" that it falsely suggests a connection with Opposer in violation of section 2(a) of the Trademark Act, because Applicant's mark points uniquely to Opposer, and purchasers will assume that goods/services offered under Applicant's mark are connected with Opposer.
13. Applicant's mark is deceptive in that it falsely suggests a connection with or approval by the Opposer.
14. Opposer is currently involved in two separate lawsuits against Applicant for the Applicant's use of Ba-Da Bling, New York Supreme Court Index No.: 09/102951 and 09/108365.
15. Opposer reserves all rights under the United States Patent and Trademark Office Trademark Manual of Examining Procedure.

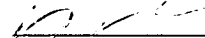
WHEREFORE, Opposer requests that this Opposition be sustained and that the requested registration of Applicant's mark be denied.

A check in the amount of \$300.00 is enclosed herewith for the filing of this Opposition proceeding. Any fee deficiency or overpayment can be charged or credited to our Deposit Account No. 07-0130.

Respectfully Submitted,

The Gameologist Group, LLC

Date: July 13, 2009

  
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Enclosures: Notice of Opposition (in Duplicate); Check